



THE CITY OF NEW YORK
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November 23, 2015

BY E.C.F.

Honorable Robert M. Levy
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Nurun Happy, as M/N/G of R.R. v. City of New York, et al.
15 CV 6232 (JBW) (RML)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned defend the City of New York in the above-referenced case. Defendant respectfully requests, with the consent of plaintiff's counsel, Gabriel Harvis, Esq., a sixty-day enlargement of time, from November 23, 2015 to January 22, 2016, for the City to answer or otherwise respond to the complaint. No previous request for an extension has been made.

The complaint alleges, *inter alia*, that on June 13, 2015, plaintiff R.R. was threatened with arrest and assaulted by a police officer in disguise. The complaint also alleges that plaintiff suffered bodily and emotional injuries as a result of this incident. The complaint, however, does not allege that plaintiff was ever arrested in connection with this incident. Accordingly, it is unclear whether or not any records exist in connection with this incident. If, in fact, any such records do exist, we do not know whether or not they may be sealed pursuant to Section 160.50 of the New York Criminal Procedure Law.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedures, we need time to investigate the allegations of the complaint. It is necessary for our Office to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Our Office is currently processing releases provided by

plaintiff so that we can obtain the police records, if any, associated with the underlying arrest, as well as any medical records that may pertaining to plaintiff's alleged injuries and treatment.

Accordingly, for the reasons set forth herein, it is respectfully requested that the time to respond to the complaint be extended until January 22, 2016.

Defendant thanks the Court for its time and consideration in this regard.

Respectfully submitted,

/s

Matthew W. McQueen
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Gabriel Harvis, Esq. (by E.C.F.)
Attorney for Plaintiff